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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,311	07/01/2003	Stefan Ehrler	09282.0043-00	3985
60668	7590	07/08/2008		
SAP / FINNEGAN, HENDERSON LLP			EXAMINER	
901 NEW YORK AVENUE, NW			KARMELEK, ALISON L	
WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
			3623	
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			07/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,311	EHRLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ALISON KARMELEK	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 April 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7, 35-41 and 47 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,35-41 and 47 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

The following is a Non-Final Office Action in response to communications received April 23, 2008.

Group I, claims 1-7, 35-41 and 47 have been elected and examined on the merits below.

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-7, 35-41 and 47 in the reply filed on April 23, 2008 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Swart et al. (US 2002/0002478 A1).

As per claim 1, Swart et al. teaches a machines based method comprising:  
searching a database for information about resources that may be used for participation in projects, the database containing time periods during which each of the resources is available and amounts of participation for which the resource can be used for the projects (paragraphs 40, 52, 60, 102; Fig. 6; search features classified services

by type and region; searching for potential appointments; searching for available service inventory across suppliers; searching, selecting and presenting reservables from database entities; requesting and selecting qualifiable reservables );

the searching comprising matching proposed amount of participation and proposed time periods with the time periods and amounts stored in the database (paragraphs 30, 31, 35, 36, 42, 60, 80; a reservable will appear in the database on the system with its attendant constraints on time and the time and duration but be available in order to schedule a reservable; a customer transacts with the system to engage, or reserve, a service to be performed at a particular time and place; searching for available service inventory across suppliers); and

identifying resources based on the matching (paragraphs 30, 63, 70, 157-160, Fig. 6; having performed the search, qualified reservables are presented and the customer makes the selection whereby the system then creates a new engagement).

As per claim 2, Swart et al. teaches the resources comprise people (paragraph 30; a reservable will appear in the database of the system of the invention as, for example, Miranda Chavez).

As per claim 3, Swart et al. teaches the time periods during which each of the resources is available comprise availability (paragraphs 30, 31, 35, 36, 42, 60, 80; a reservable will appear in the database on the system with its attendant constraints on time and the time and duration but be available in order to schedule a reservable; a customer transacts with the system to engage, or reserve, a service to be performed at a particular time and place; searching for available service inventory across suppliers).

As per claim 4, Swart et al. teaches the amounts of participation for which the resource can be used comprise utilization (paragraphs 8-11, 14, 17, 56-57, 89, 173-176; manage and control yields of reservables that have been engaged by clients to an extent that one resource is not overloaded while another like resource is under utilized, determining average utilization percentages of actual resources and adjusting the volume of the resources).

As per claim 5, Swartz et al. teaches the database also contains information about the qualifications of the resources for participation in the projects, and the searching also comprises matching proposed qualifications with qualifications stored in the database (paragraph 31, a reservable may have a skill set, the reservable database has a description of service content, or qualifications for that particular service; paragraph 55, database contains resources, supplier, resource capabilities (skill sets) and service definitions; paragraphs 157-160 the customer searches for specific services, or qualifications from a reservable, and the system performs the search and presents qualified reservables for the customer's selection).

As per claim 6, Swart et al. teaches including a selection by a planner of resources to be used for the projects, the selection being made from among the resources identified on the basis of matching (paragraphs 157-160, the system, having performed the search, presents qualified reservables for the customer's selection and the customer makes a selection whereby the system then creates an engagement).

As per claim 7, Swart et al. teaches communicating with resources about the selection using a groupware program (paragraph 50, Figures 1 and 3 teach the

system/software being usable by clients/suppliers/customers, paragraphs 26, 66 and 104 teach informing the various parties involved in the engagement about the engagement).

Claims 35-41 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Brodersen et al. (US 2002/0029161 A1).

As per claim 35, Brodersen et al. teaches a machine-based method comprising: enabling a project manager to search a database for specific human resource that match defined attributes of project roles associated with a project of an enterprise (paragraphs 15, 40; searching a database of resources including resource attributes, resources are matched with constraints such as skill sets, expertise, language, workload and availability).

As per claim 36, Brodersen et al. teaches the attributed comprise qualifying attributes that define qualifications of suitable human resources (paragraph 40, resources are match based on skill sets).

As per claim 37, Brodersen et al. teaches attributes comprise capacitive attributes that define time constraints on suitable human resources (paragraph 40, resources are matched based on availability; paragraphs 88, 96, 116, 119, matching based on start time, duration, end time, availability, travel time).

As per claim 38, Brodersen et al. teaches the capacitive attributes including availability or utilization (paragraph 40, resources are matched based on availability;

paragraphs 88, 96, 116, 119, matching based on start time, duration, end time, availability, travel time).

As per claim 39, Brodersen et al. teaches enabling the project manager to identify the importance of respective attributes (paragraphs 46, application of weights to scores of assignment rules; paragraph 93, weighting based on expertise).

As per claim 40, Brodersen et al. teaches the importance can be identified as mandatory or optional for qualification purposes (paragraphs 51, 55; weighting for mandatory fit).

As per claim 41, Brodersen et al. teach an apparatus comprising a stored database containing information about resources that may be used for participation in projects, the database containing time periods during which each of the resources is available and amounts of participation for which the resources can be sued for the projects and an application that enables a project manager to search the stored database, to match proposed amounts of participation and proposed time periods with the time periods and amounts stored in the database, and to identify resources based on matching (paragraphs 15, 40; searching a database of resources including resource attributes, resources are matched with constraints such as skill sets, expertise, language, workload and availability).

As per claim 47, Brodersen et al. teaches a medium bearing instructions to cause a matching to enable a project manager to search a database for specific human resources that match defined attributes of project roles associated with a project of an enterprise (paragraphs 15, 40; searching a database of resources including resource

attributes, resources are matched with constraints such as skill sets, expertise, language, workload and availability).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sisley et al. (US 5,943,652) teaches assigning and scheduling resource requests through a search.

Conmy et al. (US 6,101,480) teaches scheduling based on availability.

Scheuring et al. (US 2002/0131565) teaches scheduling where the user specifies event attributes such as time constrains, participants, level of importance, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALISON KARMELEK whose telephone number is (571)272-1808. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK  
7/7/08  
/A. K./  
Examiner, Art Unit 3623

/Beth Van Doren/  
Supervisory Patent Examiner, Art Unit 3623